

REMARKS

Claims 1-10, 15-19 and 21-24 are pending in the application. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

Documents Crossed-out in the Form PTO-1449

The Examiner has crossed-out three foreign documents, i.e., documents FR 2 680 726, BE 1 009 784, and JP 56-044644, on the form PTO-1449 filed on February 23, 2006 because these documents are not in the English language and because Applicant had allegedly not provided a concise explanation of these documents.

Applicant respectfully requests that the Examiner reconsider the decision not to consider and initial the above-noted documents on the basis that these non-English language documents were not cited in compliance with 37 CFR 1.98(a)(3).

Applicant notes that, in the information disclosure statement filed on February 23, 2006, Applicant cited these non-English documents by indicating that these documents had been cited in an International Office Search Report, i.e., a PCT Search Report, in a counterpart application, i.e., in Applicant's International application. A copy of the Search Report was included with Applicant's information disclosure statement and, further, Applicant explained therein that the Search Report (in English) identified each of these documents as being relevant with regard to the invention recited in certain claims of the aforementioned counterpart application.

The aforementioned explanation, i.e., the explanation of the relevance to certain claims of the counterpart application and the explanation that each was characterized as being relevant to the general background of the invention is believed to be sufficient for compliance with 37 CFR 1.98(a)(3). In this regard, MPEP 609 A(3) indicates that

the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. (Emphasis added).

Therefore, since Applicant has provided (in the previously filed IDS), a copy of the Search Report, in English, and as the Search Report sets forth the degree of relevance found by the foreign office, Applicant submits that they have fully complied with 37 CFR 1.98(a)(3) regarding the non-English language documents.

Consequently, Applicant is herein attaching hereto another copy of the form PTO-1449 from the noted IDS. The Examiner is respectfully requested to consider the previously cross-out documents and to confirm such consideration by appropriately initialing the listings on the PTO- 1449 form and returning a copy of the initialed form to Applicant:

Claim Objection

Claim 1 was objected to because it neglects to specifically recite "the steps of" after the term "comprising".

Applicant respectfully disagrees with the basis of this objection. Method claims are not required by current USPTO rules to recite "the steps of". Indeed, the Examiner has failed to identify any rule which would require the claims to recite such language. Nor has the Examiner identified any language in the MPEP which would support the Examiner's basis of objection. Indeed, the Examiner cannot because method claims are typically presented to and allowed by the USPTO without such language.

Accordingly, Applicant respectfully requests that the above-noted objection be withdrawn.

35 U.S.C. § 103 Rejection

Claims 1-24 were rejected under 35 U.S.C. § 103(a) for being allegedly unpatentable over U.S. Patent No. 6,312,632 to GRAF in view of DE 24 38 104, and further in view of U.S. Patent No. 6,465,046 to HANSSON et al.

Applicant respectfully submits that a *prima facie* case of unpatentability cannot be established because no proper combination of GRAF, DE '104 and HANSSON discloses or suggests each and every element of the claims.

More particularly, independent claim 1 recites, *inter alia*,

pressing in a press, by means of a pressing plate, the woodbased-material board with the paper layer which is impregnated with melamine resin and has been applied beforehand to the top side of the woodbased-material board, wherein the relief is stamped, during the pressing operation, by a female die which interacts with the pressing plate, and wherein the decoration and the relief are introduced simultaneously into the cover layer.

Additionally, independent claim 2 recites, *inter alia*,

pressing in a press, by means of a pressing plate, the woodbased-material board with the paper layer which is impregnated with melamine resin and has been applied beforehand to the top side of the woodbased-material board, wherein the relief is stamped, during the pressing operation, by a female die which interacts with the pressing plate, and wherein the decoration and the relief are introduced simultaneously into the cover layer.

Furthermore, independent claim 21 recites, *inter alia*,

coating a female die with ink;
applying a paper layer to the top side of the woodbased-material board;
applying a cover layer of synthetic resin to the paper layer; and
pressing in a press, using a pressing plate and the female die, the woodbased-material board after being applied with the cover layer and the paper layer, wherein the pressing causes the relief and the decoration to be simultaneously introduced into the cover layer and causes the ink to bind with the synthetic resin.

Finally, independent claim 23 recites, *inter alia*,

coating a female die with ink;
applying a paper layer impregnated with melamine resin to the top side of the woodbased-material board;
applying a cover layer of synthetic resin to the paper layer; and
pressing in a press, using a pressing plate and the female die, the woodbased-material board after being applied with the cover layer and the paper layer, wherein the pressing causes the relief and the decoration to be simultaneously introduced into the cover layer and causes the ink to bind with the synthetic resin.

GRAF does not disclose or even suggest at least these features. Applicant acknowledges that GRAF discloses a process of forming a relief pattern (using pressing rollers 8 and 3) on one or more surfaces 4 and 5 of a wood-based material board 1 (see figure and col. 4, lines 12-25). However, as correctly acknowledged by the Examiner, GRAF is entirely silent with regard to applying a paper layer which is impregnated with melamine resin or a cover layer of synthetic resin to the top side of the woodbased-material board. Furthermore, the Examiner has failed to appreciate the fact that whereas the claims require the use of press using a female die and a pressing plate to

perform the recited pressing, GRAF merely discloses the use of a structured roller 8. A structured roll is simply not the same as a press having a female die and a pressing plate.

DE '104 does not cure the deficiencies of GRAF. While it is true that the English language Abstract of DE '104 explains that DE '104 discloses the pressing of a relief onto a multi-layered board made up of resin impregnated resin sheets and that a metal foil which is colored with a gravure print process is utilized in the disclosed process, it is not apparent that DE '104 discloses, or even suggests, that the relief is stamped during the pressing (claims 1 and 2). Nor has the Examiner explained how DE '104 can be read to disclose or suggest the use of a female die which interacts or is used with the pressing plate (claims 1, 2, 21 and 23), much less, that a female die is coated with ink (claim 23). DE '104 is also apparently silent with regard to the decoration and the relief being introduced simultaneously into the cover layer (claims 1, 2, 21 and 23). Finally, Applicant submits that DE '104 fails to disclose or suggest that the pressing causes the ink to bind with the synthetic resin (claims 21 and 23).

HANSSON does not cure the deficiencies of GRAF and DE '104. While it is true that HANSSON discloses a process wherein an upper side 4 of a core board 5 is first provided with a printed décor 2' (see col. 8, lines 59-66), that the board 5 is then coated with a number of UV-cured acrylic lacquer layers (see col. 9, lines 35-47), and finally, that the board 5 is then subjected to pressing with rollers to form the elongated recesses 2''' (see col. 9, lines 48-55), HANSSON has not been shown to disclose, or even suggest, that the relief is stamped during the pressing using a female die and a

pressing plate, much less, that a female die is coated with ink. In fact, HANSSON, like GRAF, merely describes the use of a roller. Furthermore, as HANSSON teaches to apply the décor 2' before the elongated recesses 2''' are formed, the Examiner cannot reasonably argue that HANSSON discloses that the decoration and the relief are introduced simultaneously into the cover layer (claims 1, 2, 21 and 23). Finally, Applicant submits that HANSSON fails to disclose or suggest that the pressing causes the ink to bind with the synthetic resin (claims 21 and 23).

The Examiner has also failed to explain how these documents can be properly combined given that HANSSON teaches away from introducing the decoration and the relief simultaneously into the cover layer and because each of DE '104 and HANSSON are entirely silent with regard to using, during the pressing, a female die and a pressing plate and/or a female die coated with ink and/or that the pressing causes the ink to bind with the synthetic resin.

Thus, Applicant respectfully submits that independent claims 1, 2, 21 and 23, and claims 3-20, 22 and 24, which depend from claims 1, 2, 21 and 23 are allowable.

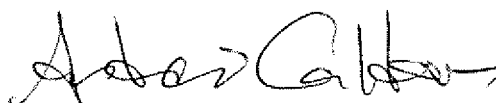
Accordingly, Applicant respectfully requests that the above-noted rejection under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to

issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 19-0089.

Respectfully submitted,
Hans VOGEL

A handwritten signature in black ink, appearing to read "Andrew M. Calderon". The signature is fluid and cursive, with the first name "Andrew" and last name "Calderon" clearly distinguishable.

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